

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**KANA FARRELL, ORIANA LEE FARRELL,
As an individual and O.B.O. her minor
Children: HEZEKIAH FARRELL, II, KUSH
FARRELL, MAGNIFICENT FARRELL and**

Plaintiffs,

-vs-

No. 1:15-cv-01113-SMV-LAM

**OFFICER TONY DETAVIS, ANTHONY LUNA,
And FORMER OFFICER (now DEPUTY) ELIAS
MONTOKA, in their official and individual
Capacities, and NEW MEXICO STATE POLICE
DEPARTMENT, and John Does 1, 2 and 3,**

Defendants.

**ORDER GRANTING ELIAS MONTOKA'S FIRST MOTION TO DISMISS CLAIMS
MADE AGAINST HIM IN HIS "OFFICIAL" CAPACITY**

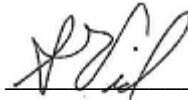
THIS MATTER having come before the Court on the *First Motion to Dismiss Claims Made Against Him in His "Official" Capacity*, Doc. No. 7, filed by Defendant Elias Montoya on December 16, 2015, and Plaintiffs having filed a *Concurrence*, Doc. No. 17, regarding said Motion on January 6, 2016, the Court FINDS that the Motion is well-taken.

IT IS THEREFORE ORDERED that *Elias Montoya's First Motion to Dismiss Claims Made Against Him in His "Official" Capacity* is hereby **GRANTED**.

IT IS FURTHER ORDERED that all claims made against Defendant Montoya in his "official" capacity are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the caption of this case shall be amended to delete the reference to "official capacity" claims.

IT IS SO ORDERED.



The Hon. STEPHAN M. VIDMAR
United States Magistrate Judge

Respectfully submitted by:

/s/ Mark D. Standridge

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Approved:

Approved via e-mail on January 13, 2016 by:

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